

REMARKS

Summary of Office Action

Claims 51-56, 58, 60-81, 83, 85-106, 108, and 110-125 are pending in this application. The Examiner has rejected claims 101-106, 108 and 110-125 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. The Examiner has rejected claims 51, 52, 54-56, 58, 65, 66, 68, 71-77, 79-81, 83, 90, 91, 93, 96-102, 104-106, 108, 115, 116, 118, and 121-125 under 35 U.S.C. § 102(e) as being anticipated by Matthews, III et al. U.S. Patent No. 6,025,837 (hereinafter "Matthews"). The Examiner has also rejected claims 60-64, 67, 69, 70, 85-89, 92, 94, 95, 110-114, 117, 119, and 120 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Shoff et al. U.S. Patent No. 6,240,555 (hereinafter "Shoff"). In addition, the Examiner has rejected claims 53, 78, and 103 under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Davis U.S. Patent No. 5,559,548 (hereinafter "Davis").

Summary of Applicants' Reply

Applicants have canceled claims 101-106, 108 and 110-125 without prejudice. The Examiner's rejections are respectfully traversed.

The Rejection Under 35 U.S.C. § 101

The Examiner has rejected claims 101-106, 108 and 110-125 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 101-106, 108 and 110-125 have been canceled without prejudice. Accordingly, applicants respectfully submit that the rejection of claims 101-106, 108 and 110-125 is moot and request that the rejection of these claims be withdrawn.

The Rejections Under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

The Examiner has rejected claims 51, 52, 54-56, 58, 65-66, 68, 71-77, 79-81, 83, 90-91, 93 and 96-100 under 35 U.S.C. § 102(e) as being anticipated by Matthews. In addition, the Examiner has rejected claims 60-64, 67, 69, 70, 85-89, 92, 94 and 95 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Shoff. In addition, the Examiner has rejected claims 53 and 78 under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Davis. Applicants respectfully traverse the rejections.

Applicants' independent claims 51 and 76 are directed towards systems and methods for using an interactive television program guide implemented on user television equipment of a plurality of users. Local memory of the user television equipment of each user is configured to store program guide data for use by the interactive television program guide. Remote

memory at a location remote from the user television equipment is configured to store supplemental data for access by the interactive television program guide. The interactive program guide monitors a user's actions in navigating through the guide to determine a potential upcoming need for a given portion of the supplemental data. Responsive to current actions of the user in navigating through the program guide that indicate the potential upcoming need, the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need.

In contrast, Matthews discloses a system for distributing video content programs to multiple subscribers over a distribution network. FIG. 5 of Matthews shows an EPG user interface 110 including a program grid 118 and hyperlinks 140 integrated as a part of the grid. Matthews, col. 9, lines 56 and 57. The hyperlinks reference target resources that may be located at the head-end or at an independent service provider, and the target resources may further be located locally, having been pre-cached by the system, as recited in Matthews, col. 10, lines 2-6. In particular, Matthews states in col. 10, lines 6-9 that "the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies." Accordingly, the pre-caching of target resources

permits "local interactive functionality between the viewer and the viewer computing unit." Matthews, col. 10, lines 6-11.

Applicants respectfully submit that Matthews fails to show or suggest 1) monitoring the user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of supplemental data, and 2) responding to current actions that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need. According to one example described on page 21, lines 7-10 of applicants' specification:

[A]s the user browses through program listings grid 50 of FIG. 4, the program guide may monitor which programs in program listings grid 50 are being displayed on monitor 75. The program guide may then retrieve supplemental information that provides more detailed information for those programs from remote memory and may store the supplemental information relating to those programs in local memory. The program guide therefore anticipates that the user will want to view this detailed information and attempts to minimize the delay associated with displaying the information should the user actually request the information.

Hence, the program guide is adapted to monitor the user's navigation through the program listings grid in order to determine a potential upcoming need of the user for certain supplemental data.

Matthews's approach of "pre-cach[ing] supplemental information about certain shows before they air based on

predictive viewing tendencies," as recited in col. 10, lines 6-9, does not show applicants' claimed approach of determining a potential upcoming need for supplemental information based on monitoring a user's current actions in navigating through the electronic program guide. Indeed, Matthews does not specify precisely the action that triggers the pre-caching. Instead, Matthews provides only a vague indication that it is "based on predictive viewing tendencies." Applicants respectfully submit that such a recitation in no way explicitly teaches monitoring a user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of the supplemental data.

Pointing to col. 9, lines 52-55 of Matthews, the Examiner contends that Matthews shows automatically supplying/displaying "the given portion of the supplemental data 128 associated with the content of the landed cell through [the] EPG's navigation from the remote memory to the interactive TV guide." Office Action, page 5. Even assuming, *arguendo*, that this interpretation of the cited passage is correct, applicants respectfully submit that it still would not show the features defined by applicants' claims 51 and 76. Instead, Matthews teaches in col. 9, lines 34-43, the use of a "text description window 128 that displays program information related to the program that is highlighted by the focus frame 126 in program

grid 118." In addition, the passage cited by the Examiner specified that the program guide of Matthews "inserts the appropriate data records into the EPG UI, for display as the viewer maneuvers the focus frame around the grid." Matthews, col. 9, lines 52-55. However, Matthews explicitly states that these data records are "downloaded on a periodic basis, or alternatively, individual data records for certain programs and channels can be selectively transmitted in response to viewer requests." Matthews, col. 9, lines 49-52. Neither downloading data records on a periodic basis nor supplying data records based on a viewer request show 1) monitoring a user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of the supplemental data, or 2) responsive to current actions that indicate the potential upcoming need, automatically supplying the given portion of the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need, as defined by applicants' claims 51 and 76.

In support of the rejection, the Examiner also points to col. 10, lines 10 through 13 of Matthews, which indicates that the pre-caching of Matthews "permits local interactive functionality between the viewer and the viewer computing unit." Office Action, pages 2, 3 and 5. The Examiner contends that this quoted language shows that the pre-caching is "based on

current user interaction with the interactive system."

Applicants respectfully submit that this interpretation is erroneous. The quoted language of Matthews indicates only that, after a target source has been pre-cached locally, the system may then support local interactive functionality, because the system no longer has to rely solely on the head-end or the independent service provider for the target resources. This conclusion in no way implies that the local interactive functionality precedes or triggers the pre-caching of the target resources, as contended by the Examiner.

Applicants additionally submit that the limitations described above in Section 2a are not inherently taught by Matthews. As stated in the Manual of Patent Examining Procedure (hereinafter "MPEP"),

To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference

(MPEP 2131.01 (III), emphasis added). Hence, the mere recitation in Matthews of "pre-cach[ing] supplemental information about certain shows before they air based on predictive viewing tendencies" does not make clear that the system of Matthews necessarily 1) monitors the user's current

actions in navigating through the guide to determine a potential upcoming need for a given portion of supplemental data, or 2) responds to current actions in navigating through the guide that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need, automatically supplies the given portion of the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need, as required by applicants' independent claims 51 and 76.

For example, applicants respectfully submit that Matthews' recitation of "predictive viewing tendencies" can encompass an approach of predicting shows that the user is likely to watch based on a history of programs the user has watched in the past, and indeed, seems to suggest just such an approach. In contrast, applicants' independent claims 51 and 76 define the monitoring of a user's current actions in navigating through the program guide to determine a potential upcoming need for supplemental data, and the supplying of that supplemental data in response to the user's current actions in navigation through the program guide.

For at least the foregoing reasons, applicants submit that independent claims 51 and 76 are allowable over the prior art of record. Applicants further submit that claims 52-56, 58,

60-75, 77-81, 83 and 85-100 are allowable for at least the same reasons as their respective base claims.

Conclusion

Applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Chia-Hao La', written in black ink.

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